



Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, Florida 33701

FOR INFORMATION CONTACT:

Rich.Malinowski@noaa.gov
727-824-5305, FAX 727-824-5308

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NOAA Seeks Public Comments on a Proposed Rule to Revise the Definition for Actual Ex-Vessel Value, Extend the Annual Maintenance Window for the Individual Fishing Quota Online System, and Remove Obsolete Grouper Regulations in the Gulf of Mexico

NOAA Fisheries Service is seeking public comment on a proposed rule that would re-define "actual ex-vessel value," extend the time needed for maintenance of the Gulf of Mexico (Gulf) Individual Fishing Quota (IFQ) online system, and remove obsolete regulations regarding the sale of grouper.

The proposed rule published in the *Federal Register* on February 22, 2011, with the comment period ending March 24, 2011.

Revise Definition of Ex-Vessel Value

Current regulations define "actual ex-vessel value" as the total monetary sale amount a fisherman receives from IFQ landings from a registered IFQ dealer. Many Gulf reef fish IFQ dealers are reporting very low ex-vessel prices for IFQ fish because trip expenses and transferred (leased) allocation are deducted from the price paid by the dealer to the fisherman. Through this rulemaking, NOAA Fisheries Service proposes to revise the definition of "actual ex-vessel value" to represent the price paid per pound of fish before any deductions are made for transferred (leased) allocation and goods and services (e.g., bait, ice, fuel, repairs, machinery replacement, etc.). This revision will allow NOAA Fisheries Service to more accurately analyze the total value of the Gulf red snapper and grouper and tilefish component of the reef fish fishery, and will more appropriately align the definition with the original intent of the IFQ program.

Extend IFQ Online System Maintenance Window

Current regulations prohibit IFQ transactions during a twelve hour maintenance window at year-end to allow NOAA Fisheries Service staff to conduct annual maintenance to the IFQ online system. The regulations state that all transactions must be completed by 6 p.m. eastern time December 31 and may resume at 6 a.m.

eastern time January 1 of the next year. This maintenance window is currently too short to complete all of the necessary changes and updates to the IFQ online system prior to the start of the next fishing year. This rulemaking proposes to extend the maintenance window an additional eight hours from 6 a.m. to 2 p.m. on January 1 to allow for more time to conduct end-of-year maintenance. This revision is not expected to have any effects on fishermen or dealers. To date, no landing transactions have been completed between 6 a.m. and 2 p.m. on January 1. Additionally, IFQ participants may still submit an advanced notice of landing via phone or through their vessel monitoring system during the maintenance window.

Remove Obsolete Grouper Regulations

Prior to the implementation of the grouper IFQ, commercial fishing for gag, red grouper, and black grouper was prohibited from February 15 through March 14. Regulations also prohibited the sale of these three species during the February 15 through March 14 closure. With implementation of the IFQ, there was no longer a need for these regulations, and the fishing prohibition was removed. However, NOAA Fisheries Service inadvertently did not remove the regulations prohibiting sale. The proposed rulemaking would remove this obsolete regulation.

Request for Comments

Written comments on these proposed regulatory changes must be received no later than March 24, 2011, to be considered by NOAA Fisheries Service. See the Addresses section for information on where and how to submit comments. All comments received by NOAA Fisheries Service will be addressed in the final rule.

Addresses

Electronic copies of the proposed rule or the regulatory amendment may be obtained from the e-Rulemaking Portal at <http://www.regulations.gov>, the Gulf of Mexico Fishery Management Council's Web site at <http://www.gulfcouncil.org>, or from NOAA Fisheries Service, Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, Florida 33701-5505.

You may submit comments by either of the following methods:

- Electronic Submissions: Federal e-Rulemaking Portal: <http://www.regulations.gov>. Enter the following docket number into the "Search" box: **NOAA-NMFS-2011-0018**. All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter, may be publicly accessible. Do not submit confidential business information or otherwise

sensitive or protected information. NOAA Fisheries Service will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

- Mail: Richard Malinowski, NOAA Fisheries Service, Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, Florida 33701-5505.

Comments received through means not specified in this bulletin will not be considered.

This bulletin provides only a summary of the information pertinent to the rule. Any discrepancies between this bulletin and the rule as published in the *Federal Register* will be resolved in favor of the *Federal Register*.

Need more information on these topics?
Southeast Regional Office's Web page:
<http://sero.nmfs.noaa.gov>